

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW HAMPSHIRE

United States of America, )  
                              )  
Plaintiff,                )  
                              ) Case No.: 06-CV-00354-PB  
vs.                        )  
                              ) Judge Paul J. Barbadoro  
General Electric Company, )  
                              )  
Defendant.                )

**UNITED STATES' MOTION IN LIMINE TO LIMIT THE PROPOSED TESTIMONY  
OF GENERAL ELECTRIC COMPANY'S EXPERT WITNESS JAMES GIRARD**

Plaintiff, the United States of America (the "United States"), hereby moves this Court to limit the proposed testimony of General Electric Company's expert witness James Girard. The relief sought in this motion will conform with Federal Rule of Evidence 702 and First Circuit case law holding that expert testimony should be reliable and relevant to the facts of a case. Further, the relief sought will conform with a previous decision issued by this Court, and will conserve judicial resources by precluding irrelevant expert testimony at trial on a factual issue that is unestablished by admissible evidence. The United States attaches a memorandum of law in support of this Motion to explain why this Court should limit the testimony of GE's proposed expert witness James Girard to preclude him from offering testimony regarding the use of PCBs and/or scrap Pyranol as an ingredient in asphalt roof coating. The United States also attaches a proposed Order for this Court's convenience.

Respectfully submitted,

RONALD J. TENPAS  
Assistant Attorney General  
Environment and Natural Resources Division  
United States Department of Justice  
Washington, D.C. 20530

/s/ Laura J. Rowley

Dated: 08/03/2008

Laura J. Rowley, Trial Attorney  
Peter M. Flynn, Senior Attorney  
Environmental Enforcement Section  
United States Department of Justice  
P.O. Box 7611  
Washington, D.C. 20044-7611  
(202) 616-8763

Catherine Adams Fiske, Trial Attorney  
Environmental Enforcement Section  
United States Department of Justice  
One Gateway Center, Suite 616  
Newton, MA 02458

THOMAS P. COLANTUONO  
United States Attorney  
District of New Hampshire

Gretchen Leah Witt  
Chief, Civil Division  
Office of the United States Attorney  
53 Pleasant Street, Fourth Floor  
Concord, NH 03301-3904

OF COUNSEL:

RuthAnn Sherman  
United States Environmental Protection Agency, Region 1  
One Congress Street, Suite 1100 (SES)  
Boston, MA 02114

Certificate of Service

I, Laura J. Rowley, certify that the foregoing Motion, Memorandum and Proposed Order were filed and served electronically through ECF on Peter Biagetti and William "Mo" Cowan, counsel to the General Electric Company, on August 3, 2008.

/s/ Laura J. Rowley  
Laura J. Rowley